



Travis County Commissioners Court Agenda Request

Meeting Date: February 11, 2014

Prepared By/Phone Number: Jason G. Walker/44562; Marvin Brice, CPPB, Assistant Purchasing Agent

Elected/Appointed Official/Dept. Head: Cyd Grimes

Commissioners Court Sponsor: Judge Biscoe

Agenda Language:

APPROVE ORDER EXEMPTING CONTRACT FOR REPAIR SERVICES TO THE ONION CREEK GREENWAY PROJECT FROM SMITH CONSTRUCTION, INC. FROM THE COMPETITIVE PROCUREMENT PROCESS PURSUANT TO SECTION 262.024 (a) (1) OF THE COUNTY PURCHASING ACT.

- **Purchasing Recommendation and Comments:** Purchasing concurs with department and recommends approval of requested action. This procurement action meets the compliance requirements as outlined by the statutes.
- The Onion Creek Greenway project was recently completed, however, it sustained damages from the October 31, 2013 flood event. The floodwaters deposited debris, eroded side-slopes, undermined structure foundations, and breached earthen embankments. Instability in some cases was created, and some facilities are now more vulnerable to additional damage from less severe future events.
- In order to preserve and prevent additional damage to county property, TNR is requesting the repair services for the Onion Creek Greenway project be exempted from the competitive procurement process in order to allow a new contract with Smith Construction, Inc. be prepared and subsequently submitted for Commissioners Court approval.
- Smith Construction, Inc., was the general contractor for the Onion Creek Greenway project, and TNR believes they are best qualified to make the necessary repairs to the work they originally completed.
- **Contract Expenditures:** Within the last N/A months \$0.00 has been spent against this contract/requirement.

AGENDA REQUEST DEADLINE: All agenda requests and supporting materials must be submitted as a pdf to Cheryl Aker in the County Judge's office, agenda@co.travis.tx.us by **Tuesdays at 5:00 p.m.** for the next week's meeting.

➤ **Contract-Related Information: N/A**

Award Amount: \$
Contract Type:
Contract Period:

➤ **Contract Modification Information: N/A**

Modification Amount:
Modification Type:
Modification Period:

➤ **Solicitation-Related Information: N/A**

Solicitations Sent:	Responses Received:
HUB Information:	% HUB Subcontractor:

➤ **Special Contract Considerations:**

- Award has been protested; interested parties have been notified.
- Award is not to the lowest bidder; interested parties have been notified.
- Comments:

➤ **Funding Information:**

- Shopping Cart/Funds Reservation in SAP:
- Cost Center/Fund Center(s):
- Comments: No funds are involved with this item

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TRANSPORTATION AND NATURAL RESOURCES DEPARTMENT

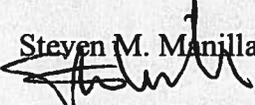
STEVEN M. MANILLA, P.E., COUNTY EXECUTIVE

700 Lavaca Street-5th Floor
Travis County Administration Building
P.O. Box 1748
Austin, Texas 78767
Phone (512) 854-9383
Fax (512) 854-4626

January 10, 2014

MEMORANDUM

TO: Marvin Brice, Assistant Purchasing Agent

FROM:  Steven M. Manilla, P.E., County Executive

SUBJECT: Exemption Order to Expedite Repairs to Flood Damaged Park Facilities

The county's Onion Creek Greenway project that was completed recently sustained damages from the October 31, 2013 flood event. The floodwaters deposited debris, eroded side-slopes, undermined structure foundations, and breached earthen embankments. The floodwaters created instability in some cases and as a result some facilities are now more vulnerable to additional damage from less severe future storms events. To preserve and prevent additional damage to county property, TNR recommends the prompt purchase of repair services for the Onion Creek Greenway to be exempted from the competitive bidding requirements of the Local Government Code.

TNR believes that the Onion Creek Greenway contractor, Smith Construction, Inc., is best qualified to quickly make the repairs to the work that they originally completed. As such, TNR requests an Exemption Order to allow a new contract with Smith to be prepared and the repair work to be complete posthaste.

Attached is a listing of the repairs and associated costs provided by Smith.

Please note that the repairs are anticipated to be paid for with federal Community Development Block Grant funds.

Please contact me if you have questions and thank you in advance for considering this request.

CC:

Charles Bergh, TNR Parks
Morgan Cotten, P.E., TNR Public Works
Steve Sun, P.E., TNR, TNR Public Works
Jason Walker, Purchasing
Christy Moffet, HHS&VA

**TRAVIS COUNTY - TNR
CHANGE ORDER REQUEST FORM**

Project Name: Onion Creek Greenway Ph I Seg I 4400001160
Contractor: Smith Contracting Co, Inc. IFB B1210-004LP
Contract No.:

Change Order Description:
 Change Order #5 Flood damage repairs

This change order is requested for the following reason(s):
 Change Order #5 Flood damage repairs to Onion Creek Greenway Ph I Seg I

BID ITEM NO.	BID ITEM DESCRIPTION	UNIT TYPE	CURRENT CHANGE ORDER QUANTITIES			REVISED CONTRACT QUANTITIES			CURRENT CONTRACT QUANTITIES			PREVIOUS CONTRACT QUANTITIES		
			C.O. QTY	UNIT PRICE(\$)	C.O. AMOUNT	QTY	UNIT PRICE(\$)	NEW AMOUNT	QTY	UNIT PRICE(\$)	QTY	UNIT PRICE(\$)	PREVIOUS AMOUNT	
2	Cleaning and Grubbing	AC	2.00	6,000.00	12,000.00	5	6,000.00	30,000.00	3.0	6,000.00	18,000.00			
9	Revegetation, including topsoil and native seed mix, established	LS	0.70	100,000.00	70,000.00	2.4	#####	240,000.00	1.7	100,000.00	170,000.00			
21	Conlock Slope Stabilization-Set Unit	SF	3,000.00	15.00	45,000.00	4250	15.00	63,750.00	1250.0	15.00	18,750.00			
53	Fencing at SH130	LF	1,200.00	12.00	14,400.00	1792	12.00	21,504.00	592	12.00	7,104.00			
72	X-Gress 50oz Superlawn MS Pro Fall surface with Envirofil, 1" and 2" depth Softpads and all associated drainage complete in place	SF	4,570.00	16.50	75,405.00	10700	16.50	176,550.00	6130	16.50	101,145.00			
CO1-1	Embankment/Excavation	LS	13.50	9,000.00	121,500.00	14.5	9,000.00	130,500.00	1	9,000.00	9,000.00			
CO4-1	Concrete Rip Rap	CY	20.00	850.00	17,000.00	20	850.00	17,000.00	0	850.00	-			
CO4-2	Rock Rip Rap	TON	2,000.00	74.00	148,000.00	2000	74.00	148,000.00	0	74.00	-			
CO4-3	Disposal	LS	1.00	3,000.00	3,000.00	1	3,000.00	3,000.00		3,000.00				
CO4-5	Coffer Dam/Care of Water	LS	1.00	5,000.00	5,000.00	1	5,000.00	5,000.00		5,000.00				
TOTAL					\$ 511,305.00			\$ 805,304.00			\$ 305,999.00			

Materials(\$)
Services(\$)
TOTAL
 NET OVERRUN/(UNDERRUN) \$ 499,305.00
 TIME Extension: 60 Days

The compensation and/or time extension provided by this Change Order constitutes full and complete satisfaction for all direct and indirect costs, and interest related thereto, which has been or may be incurred in connection with this change to the Contract. By affixing my signature to this Change Order, as the Contractor's duly appointed representative, on behalf of the Contractor I hereby waive any rights to seek additional funds or relief of any nature for any event or circumstance arising from this Change Order.

REQUESTED BY:

NOTICE to the CONTRACTOR:
 This is your authority to proceed with this work at the rates indicated above.

Contractor _____ Date _____

RECOMMENDED FOR APPROVAL BY:

APPROVED:

Project Manager _____ Date _____

County Executive, TNR _____ Date _____

Division Manager _____ Date _____

Purchasing Agent _____ Date _____

Public Works Director _____ Date _____

County Judge _____ Date _____

**ORDER EXEMPTING CONTRACT
FROM COMPETITIVE BIDDING REQUIREMENTS OF
THE COUNTY PURCHASING ACT**

WHEREAS, Travis County's recently completed Onion Creek Greenway project sustained damages from a flood event on October 31, 2013, and

WHEREAS, the floodwaters deposited debris, eroded side-slopes, undermined structure foundations, as well as breached earthen embankments, thus creating instability in some cases affecting some facilities to now be more vulnerable to additional damage from less severe future storm events, and

WHEREAS, the Commissioners Court of Travis County finds that there is a need to preserve and prevent additional damage to this county property, due to the public calamity flood of October 31, 2013, and

WHEREAS, the Commissioners Court of Travis County is authorized to exempt from competitive bidding or competitive proposal requirements for an item or service, if it is an item that must be purchased in a case of a public calamity if it is necessary to make the purchase promptly to relieve the necessity of the citizens or to preserve the property of the county, from the bidding requirements of the County Purchasing Act, Texas Local Gov't Code Ann Section 262.023, pursuant to Texas Local Gov't Code Ann Section 262.024 (a) (1), and

NOW THEREFORE, the Travis County Commissioners Court orders that the contract for repair services to the Onion Creek Greenway project, with Smith Construction, Inc., be exempted from the bidding requirements of the County Purchasing Act, Texas Local Gov't Code Ann Section 262.024 (a) (1), because these repair services are needed to be purchased promptly to preserve the property of the county.

Signed and entered this ____ day of _____, 2014.

Samuel T. Biscoe, County Judge
Travis County, Texas

Ron Davis
Commissioner, Precinct 1

Bruce Todd
Commissioner, Precinct 2

Gerald Daugherty
Commissioner, Precinct 3

Margaret Gomez
Commissioner, Precinct 4